

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BERNARD RAY,)	
)	
Plaintiff,)	8:05CV113
)	
v.)	
)	
TYSON FRESH MEATS,)	REPORT, RECOMMENDATION
)	AND ORDER
Defendant.)	
_____)	

Plaintiff has not responded to the court's order of January 6, 2006, and has not filed a certificate of service indicating that the disclosures ordered to be made have in fact been served. Further, no showing of cause has been filed as required by that order.

IT THEREFORE HEREBY IS ORDERED,

1. Defendant's application for attorneys fees and expenses, filing 31, is granted, and the defendant is awarded the sum of \$240.75 in expenses and fees in connection with the motion to compel.

2. The clerk shall make this award against the plaintiff a part of the judgment eventually entered in this case, unless prior to that time the clerk is notified that the award has been paid and is presented evidence of payment.

3. Plaintiff and plaintiff's counsel are found in contempt of this court for failing to obey its orders or show cause why such sanctions should not be imposed.

FURTHER, IT HEREBY IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, that this action be dismissed with prejudice, costs taxed to the plaintiff, in accordance with Fed. R. Civ. P. 41(b).

DATED this 6th day of February, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge